



In particular, Defendant Miller appeals the District Court's denial of Miller's motion for summary judgment with respect to Count II - Plaintiff's claim for selective enforcement. An appeal of the District Court's decision is permitted by law as a matter of right pursuant to FED. R. APP. P. 3. *See Mitchell v. Forsyth*, 472 U.S. 511 (1985).

DATED this 30<sup>th</sup> day of July 2010.



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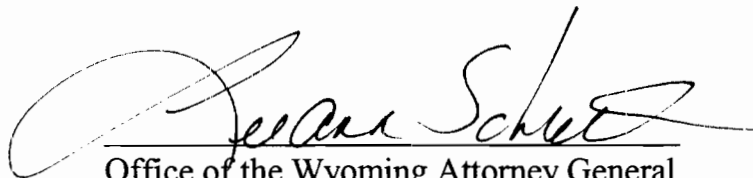
**CERTIFICATE OF SERVICE**

I hereby certify that on the 30<sup>th</sup> day of July, 2010, the foregoing was filed and served via U.S. Mail, postage prepaid upon the following:

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